

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

AARON LANCE LEITH,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-11-924-M
)	
STATE OF OKLAHOMA, KAY)	
COUNTY, and JARROD HEATH)	
STEVENSON,)	
)	
Defendants.)	

ORDER

On November 10, 2011, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983. The Magistrate Judge recommended that plaintiff's civil rights action be dismissed without prejudice pursuant to 28 U.S.C. §§ 1915 and 1915A for failure to state a claim upon which relief may be granted and that this dismissal count as a "prior occasion" or strike pursuant to 28 U.S.C. § 1915(g). Plaintiff was advised of his right to file specific written objections to the Report and Recommendation by December 1, 2011. By way of letter, plaintiff has filed his objections. *See* docket no. 21.

The Court has carefully reviewed this matter de novo. Based upon said review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on November 10, 2011, and
- (2) DISMISSES this action without prejudice pursuant to 28 U.S.C. §§ 1915 and 1915A for failure to state a claim.

Additionally, this Court finds that this dismissal shall count as a “prior occasion” or strike pursuant to 28 U.S.C. § 1915(g).

IT IS SO ORDERED this 7th day of December, 2011.



VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE